UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF IOWA WESTERN DIVISION

:

XCENTRIC VENTURES, LLC, an Arizona limited liability company; and **ED**

MAGEDSON, an individual,

No. 15-CV-4008-DEO

Plaintiffs,

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING QUALIFIED IMMUNITY

VS.

:

BEN SMITH, in his individual capacity as

Sac County Attorney,

:

Defendant.

Plaintiffs Xcentric Ventures, LLC and Ed Magedson submit this Motion for Partial Summary Judgment Regarding Qualified Immunity pursuant to Fed. R. Civ. Pro. 56. Plaintiffs move the Court to determine that, as a matter of law, Defendant Smith is not entitled to qualified immunity and his affirmative defense asserting qualified immunity be dismissed. The grounds for this motion are:

- 1. Smith violated Plaintiffs' constitutional rights;
- 2. The rights were clearly established

This Motion is supported by the attached brief in support and the attached statement of facts.

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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2017, I electronically filed this document with the Clerk of the Court using the ECF system which will serve it on the appropriate parties.

/s/Maria Crimi Speth